

No. 9(181-8Lab/4117:- In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Sarswati Ceramics, Refractories, Pvt. Ltd., Sector 25, Ballabgarh.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 11 of 1980

between

SHRI DEVIDAYAL DUBE, WORKMAN AND THE MANAGEMENT OF M/S SARSWATI CERAMICS REFRACTORIES, PVT. LTD, SECTOR 25, BALLABGARH

Present :-

Shri Devi Dayal Dube workman in person.
Shri D. D. Aggarwal, for the respondent management

AWARD

This reference No. 11 of 1980 has been referred to this court by the Hon'ble Governor of Haryana, vide his order No. 1D/FD/28-79/1946, dated 9th January, 1980 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Devi Dayal Dube, workman and the management of M/s Sarswati Ceramics Refractories Pvt. Ltd., Sector 25, Ballabgarh. The terms of the reference was :

Whether the termination of services of Shri Devi Dayal Dube was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were sent to both the parties. On 20th January, 1980 both the parties appeared and the workman filed his claim statement. Then the case was fixed for filing the written statement but on that date of hearing none was present from the side of the management and the management was ordered to be proceeded *ex parte* by my learned predecessor on 5th February, 1980 and the case was fixed for *ex parte* evidence of the workman for 27th February, 1980. On that date of hearing Shri D.D. Aggarwal Manager, of the respondent management appeared and filed an application for setting aside the *ex parte* order dated 5th February, 1980 passed against them. Then the case was fixed for arguments on this application for 12th March, 1980. On 12th March, 1980 the post of the Presiding Officer was vacant and the case was fixed for 2nd April, 1980 for proper orders. On 2nd April, 1980 the case was fixed for arguments on this application for 1st April 1980 when no one was present from the side of the management. So I proceeded *ex parte* against the management and case was fixed for *ex parte* evidence of the workman for 15th May, 1980. On that day the *ex parte* evidence of workman was recorded, and *ex parte* award was passed and sent to the Government, vide this court Endorsement No. 852, dated 31st May, 1980.

After publication of the award the management again filed an application for setting aside the *ex parte* award passed on 29th May, 1980 on the arguments heard and the *ex parte* award was set aside subject to payment of cost Rs. 100 and the case was fixed for written statement for 3rd November, 1980, but on 10th March, 1980 the workman Shri Devi Dayal Dube made a statement in this Court that he had settled his dispute with the respondent. The settlement is Exhibit W-1. According to the settlement he had received Rs. 2,000 from the respondent management in full and final settlement of his all claims and disputes including retrenchment compensation wages earned leave with wages etc. He further stated that he also forgave his right of reinstatement or re-employment. This settlement of the workman was also agreed to by the representative of the management Shri D.D. Aggarwal. He further stated that a sum of Rs. 2,000 (Rupees two thousand only) had been given to the workman as per settlement Exhibit W-1. Now no disputes were pending between the parties. No order as to costs. This be read in answer to this reference.

Dated the 31st March, 1981.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court Haryana, Faridabad.

Endorsement No. 727, dated 31st March, 1981.

Forwarded (four copies) to the Secretary to the Commissioner and Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court Haryana,
Faridabad.